

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT (CORRECTED)
LB214

Hearing Date: Monday January 28, 2013
Committee On: Banking, Commerce and Insurance
Introducer: Gloor
One Liner: Change provisions relating to securities and seller-assisted marketing plans

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Campbell, Carlson, Christensen, Crawford, Gloor, Howard, Pirsch, Schumacher
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Mike Gloor
John Munn

Representing:

Introducer
NE Department of Banking and Finance

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 214, introduced at the request of the Department of Banking and Finance, would amend various sections relating to the Securities Act of Nebraska and provide for coordinating amendments in the Seller-Assisted Marketing Plan Act, and in funds transfer statutes. The bill would provide, section by section, as follows:

SECURITIES

Section 1 would amend section 8-1101(14) of the Securities Act of Nebraska to adopt a January 1, 2013 reference to the following federal laws, which are currently referenced to January 1, 2011: the Securities Act of 1933; the Securities Exchange Act of 1934; the Investment Advisers Act of 1940; the Investment Company Act of 1940; and the Commodity Exchange Act.

Section 2 would amend section 8-1104 of the Securities Act of Nebraska to eliminate a reference to the registration of securities by notification under section 8-1105, because section 8-1105 would be outright repealed under section 13 of the bill.

Section 3 would amend section 8-1108 of the Securities Act of Nebraska to eliminate references to the registration of securities by notification under section 8-1105, because section 8-1105 would be outright repealed under section 13 of the bill.

Section 4 would amend section 8-1108.02 of the Securities Act of Nebraska as follows: within subsection (2), to update a reference relating to notices filed by issuers of federal covered securities from section 18(b)(4)(D) of the (federal) Securities Act of 1933 to section 18(b)(4)(E) of the Securities Act of 1933; within subsection (3), to provide an updated

exception relating to documents required to be filed by issuers of certain federal covered securities; and within subsection (4), to update a reference relating to the offer and sale of federal covered securities from section 18(b)(4)(D) of the Securities Act of 1933 to section 18(b)(4)(E) of the Securities Act of 1933.

Section 5 would amend section 8-1109 of the Securities Act of Nebraska to eliminate references to the registration of securities by notification under section 8-1105, because section 8-1105 would be outright repealed under section 13 of the bill.

Section 6 would amend section 8-1111(8) of the Securities Act of Nebraska, which provides an exemption from the registration provisions of the Securities Act of Nebraska for sales to institutional and accredited investors, to update the definition of "accredited investor" to reflect the change made in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) which excludes the value of an investor's principal residence from the calculation of net worth.

Section 7 would amend section 8-1114 of the Securities Act of Nebraska to eliminate a reference to a registration statement filed under section 8-1105, because section 8-1105 would be outright repealed under section 13 of the bill.

Section 8 would amend section 8-1120 of the Securities Act of Nebraska as follows: within subsection (2), to authorize the Department to enter into agreements or relationships with other government officials, including foreign state securities administrators, the federal Securities and Exchange Commission, and securities self-regulatory organizations, to share resources, standardized or uniform methods and procedures, and confidential documents, records, and information, and to authorize the Department to accept and rely on examination and investigation reports made by other government officials and securities self-regulatory organizations; and within subsection (6), to eliminate obsolete language relating to transfers from the Securities Act Cash Fund which occurred in the years 2000 and 2001 to the Affordable Housing Trust Fund.

AFFORDABLE HOUSING

Section 9 would amend section 58-703 to eliminate the obsolete reference to the transfer of funds pursuant to section 8-1120 of the Securities Act of Nebraska, from the Securities Act Cash Fund to the Affordable Housing Trust Fund, which occurred in the years 2000 and 2001.

Section 10 would amend section 58-711 to eliminate the obsolete reference to the transfer of funds pursuant to section 8-1120 of the Securities Act of Nebraska, from the Securities Act Cash Fund to the Affordable Housing Trust Fund, which occurred in the years 2000 and 2001.

SELLER-ASSISTED MARKETING PLANS

Section 11 would amend section 59-1722 of the Seller-Assisted Marketing Plan Act to update references to the title of a federal rule relating to the offer and sale of franchise opportunities in Nebraska. The title has changed from "Disclosure Requirements and Prohibition Concerning Franchises and Business Opportunity Ventures" to "Disclosure Requirements and Prohibitions Concerning Franchising." Section 11 would also correct the name of the North American Securities Administrators Association, which is incorrectly stated in this section as the North American Securities Administration Association.

REPEALS

Section 12 would provide for repealers of amendatory sections.

Section 13 would outright repeal section 8-1105 of the Securities Act of Nebraska which relates to the registration of securities by notification.

Mike Gloor, Chairperson